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SIPDIS

SENSITIVE  
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STATE FOR EAP/MLS, G/TIP AND PRM FOR SONIA DENTZEL

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SUBJECT: VIETNAM TO DRAFT NEW TIP LAW, IMPROVE INTER-AGENCY  
COOPERATION

REF: A) Hanoi 402 B) Hanoi 394 C) Hanoi 393 D) HCMC 806

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#### SUMMARY

1. (SBU) On June 27, the GVN issued a new Directive to strengthen, midterm, the implementation of its six-year National Program of Action against Crimes of Trafficking in Women and Children. The new anti-TIP Directive calls for greater GVN inter-agency cooperation, greater scrutiny of export labor, foreign adoptions and marriages, increased TIP prevention and educational awareness programs, and increased responsibility and accountability for provincial government authorities. The Directive further instructs the GVN Ministry of Justice to prepare a proposal to be submitted to Vietnam's parliament on the necessity of establishing a new "Law on the Prevention and Combat of Human Trafficking," which would also include men in its definition of human trafficking. Reactions among our contacts to the new Directive have been positive. The GVN continues to take the fight against TIP seriously and address its deficiencies; however, any new law will still take years to draft, debate, approve, and finally implement. End summary.

#### THE DIRECTIVE'S NUTS AND BOLTS

2. (SBU) On June 27, GVN Deputy Prime Minister Truong Vinh Trong, head of the GVN's National Steering Committee on anti-TIP, signed a new Directive on the enhancement of the prevention and combat of human trafficking. The Directive, more specific than the broader "Decree" under Vietnamese law, states that concerned GVN ministries such as Public Security (MPS), Labor, Justice (MOJ), Defense, and Foreign Affairs, as well as industrial sectors and local authorities need to significantly increase their cooperation on anti-TIP.

3. (SBU) The Directive also details measures to effectively implement the second phase (2007-2010) of the government's six-year National Program of Action against Crimes of Trafficking in Women and Children (the first phase was 2004-2006). These measures include a greater focus on communication and education, examination and supervision of export labor, scrutiny and education for marriages and child adoptions involving foreign elements, cooperation on anti-TIP with other countries, coordinated implementation of criminal prevention measures, and a tie-in with the GVN's propaganda campaign for "hunger eradication and poverty reduction."

14. (SBU) The Directive further specifies additional detailed tasks assigned to different concerned ministries under the National Program of Action, and defines specific responsibilities for Vietnam's 64 Provincial People's Committee Chairmen, concurrently the Chairmen of their provincial steering committees against human trafficking, in instances where a province's TIP cases are deemed excessive. Finally, the Directive requires the MOJ to prepare a proposal to be submitted to the National Assembly calling for a comprehensive "Law on the Prevention and Combat of Human Trafficking."

GVN GETS TOUGH  
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15. (SBU) MPS Senior Lieutenant Colonel Nguyen Van Chuong, the Chief of the Office of the National Steering Committee against Human Trafficking, told us that after implementation of Phase 1 of the National Program of Action was completed in 2006, a Directive to consolidate and improve its measures was needed. Chuong told Poloff that this Directive specifies the Provincial Chairman's responsibilities if a significant number of individuals in his or her province are trafficked, and it would adjust and supplement some articles of the Criminal Code in order to adequately address trafficking issues. Chuong said the highest sentence applied for traffickers is currently only twenty years, while he believes sometimes harsher punishments are necessary - including life in prison or the death sentence.

16. (SBU) Mr. Nguyen Cong Hong, MOJ Deputy Director of the Department for Criminal and Administrative Legislation, said the Directive's contents showcase the government's determination to effectively implement the National Program of Action. According to the Directive, Vietnam will develop a completely separate law to address the trafficking issue (for the time being, the GVN Criminal Code contains two articles, 119 and 120, to address the trafficking

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issue). Hong told Poloff the new law will provide greater details for the prevention of trafficking in persons and also address trafficking in men; to date, the GVN has only defined trafficking as relating to women and children. Hong added that he thought the new law, if drafted quickly, could be implemented by 2010.

COMMENT: WELCOME DIRECTIVE, IMPLEMENTATION KEY  
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17. (SBU) This new Directive, taken together with Directive 17 issued earlier this year on supporting TIP victim returnees, and the implementation of the 2006 Decree 69 regarding marriage and family relations "involving foreign elements," is a positive sign of the GVN's determination to crack down on human traffickers. That the Directive specifies the provincial chairmen's responsibilities should force local authorities to pay more attention to the trafficking issue. The intention to draft a comprehensive new anti-TIP law, one that includes men in its definition and places greater emphasis on export labor, is a welcome development. Given the glacial pace of Vietnam's legal system we doubt, however, that it can be implemented by 2010.

MICHALAK